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9 Attorneys for Respondent  
10 Jeffrey John Parish  
11

12 THE STATE BAR COURT  
13 HEARING DEPARTMENT- SAN FRANCISCO  
14

15 In the Matter of:

16 JEFFREY JOHN PARISH  
17 No. 47046,

18 A Member of the State Bar

Case No. 12-0-13196

ANSWER TO NOTICE OF  
DISCIPLINARY CHARGES



19 Respondent Jeffrey John Parish ("Respondent") answers as follows the Notice of  
20 Disciplinary Charges (the "Charge"):

21 1. In response to Paragraph 1 of the Charge, Respondent admits the allegations  
22 contained therein.

23 2. In response to Paragraph 2 of the Charge, Respondent denies the allegations  
24 contained therein.

25 3. In response to Paragraph 3 of the Charge, Respondent admits the allegations  
26 contained therein.

27 4. In response to Paragraph 4 of the Charge, Respondent denies that on or about  
28 December 2, 2010 he reported that he was "in full compliance with the MCLE  
requirements." Respondent states that as of November 2, 2010, he believed he had

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1 completed 25 hours of MCLE courses.

2 5. In response to Paragraph 5 of the Charge, Respondent denies the allegation and  
3 incorporates the admissions, denials and statements contained above.

4 6. In response to Paragraph 6 of the Charge, Respondent denies the allegations  
5 contained therein.

6 7. In response to Paragraph 7 of the Charge, Respondent denies the allegations  
7 contained therein.

8 8. In response to Paragraph 8 of the Charge, Respondent incorporates the admissions,  
9 denials and statements contained above.

10 9. In response to Paragraph 9 of the Charge, Respondent denies the allegations  
11 contained therein, and states that:

12 A. The State Bar opened its investigation of Respondent's MCLE compliance  
13 in October, 2011;

14 B. Respondent informed the State Bar that although he believed he had taken  
15 the full 25 hours of MCLE credits, he had inadvertently deleted the records  
16 of all but three hours of this course work from his computer and the records  
17 could not be retrieved;

18 C. The State Bar, on or about December 15, 2011, found Respondent  
19 noncompliant with MCLE requirements;

20 D. The State Bar required Respondent to complete **additional** hours of MCLE  
21 credit, complete an online MCLE Summary Log, send proof of compliance  
22 to its office, and pay a late fee, to "bring [Respondent] into compliance,"  
23 these steps required to be completed by February 15, 2012;

24 E. Respondent completed all the State Bar's requirements by February 4, 2012;

25 F. On February 7, 2012, the State Bar confirmed to Respondent that he had  
26 substantiated compliance with the MCLE requirements and reported that the  
27 audit of his records was now complete.  
28

1 10. In response to Paragraphs 10 through 12 of the Charge, Respondent admits that the  
2 letters and faxes identified therein were sent and that he received the letters dated May 3,  
3 2012, May 7, 2012 and May 10, 2012 within four or five days of the date the letter was  
4 sent. Respondent alleges that he responded promptly to each letter by fax and/or telephone  
5 within one or two days of receiving the letter. Respondent repeatedly asked the State Bar to  
6 send him a copy of their records of their audit of Respondent. The State Bar did not send  
7 any documents until after it had filed its Notice of Intent in late September, 2012.

8 11. In response to Paragraph 13 of the Charge, Respondent alleges that he did not  
9 receive the letter dated May 24, or any documents, until the State Bar responded to his  
10 document request in late September. Respondent alleges that he had provided all of the  
11 documents and information concerning his MCLE compliance, in his possession, in the  
12 course of the State Bar's audit conducted between October, 2011, and February.

13 Respondent further alleges that his fax of May 17, 2012 was the last correspondence  
14 between Respondent and the State Bar prior to the notice of intent to file this action in  
15 September of 2012 and that when he received no response to his fax of May 17, 2012 he  
16 believed the matter was closed.

17 12. In response to Paragraph 14 of the Charge, Respondent denies the allegations  
18 contained therein. Respondent alleges that he responded promptly to each letter he  
19 received, that he believed, and believes now, that all of the documents he had regarding the  
20 matter had been submitted to the State Bar during the initial audit and should have been in  
21 the State Bar's files and that, when he received no response to his May 17<sup>th</sup> fax, he believed  
22 the matter was resolved.

23 13. In response to Paragraph 15 of the Charge, Respondent denies the allegations  
24 contained therein.

25 **AS MITIGATING FACTORS RESPONDENT ALLEGES AS FOLLOWS:**

26 14. Respondent has been a member in good standing of the State Bar for more than 40  
27 years, during which time he has not been subject to any disciplinary action. He is 68 year  
28

1 old person, of good moral character, with no history of civil, criminal or administrative  
2 complaints of any sort asserting acts of moral turpitude.

3 15. Respondent has a history of community service including:

- 4 a. Judge Pro Tem in Alameda Superior Court
- 5 b. Settlement mediator in civil cases in El Dorado County
- 6 c. Volunteer, El Dorado County Search and Rescue
- 7 d. Teacher of English and Spanish in a homeless shelter in Mexico.

8 16. Though an active member of the State Bar, Respondent was not practicing law for  
9 compensation at the time the alleged violation occurred. Respondent is retired and has not  
10 engaged in the practice of law for compensation since approximately June of 2010.

11 Respondent will occasionally, respond to legal questions from colleagues and friends, but  
12 now splits his time between New York and Mexico and California and does not have an  
13 office or an active law practice. Respondent does not intending to ever try another case.


14 17. Respondent cooperated with the MCLE investigation in 2011-2012, and acted  
15 promptly to complete his MCLE requirements when he was informed that he was not in  
16 compliance because he did not have records of all of his MCLE attendance. Respondent  
17 was told the investigation was closed on February 7, 2012.

18 18. Respondent replied promptly to each of the letters he received from the State Bar in  
19 May of 2012 and believed the matter was resolved when he received no response to his  
20 May 17, 2012 fax.

1 19. The alleged violation did not involve any misconduct towards clients or the court or  
2 any harm to any client or to the court.

3 Respectfully Submitted.

4 PILLSBURY WINTHROP SHAW PITTMAN LLP  
5 THOMAS N. MAKRIS  
6 ERIN C. CARROLL  
2600 Capitol Avenue, Suite 300  
Sacramento, CA 95816-5930

7  
8 By   
9 Attorneys for Respondent  
Jeffrey John Parish

DECLARATION OF SERVICE

by

OVERNIGHT DELIVERY

Case Number: **12-O-13196**

I, Deb Johansen-Cook, declare as follows:

1. I am employed in the City of Sacramento, County of Sacramento, State of California, in the office of a member of the bar of this Court at whose direction the service was made.

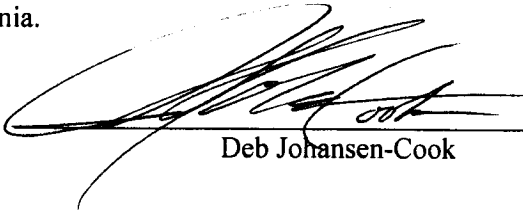
2. I am over the age of eighteen (18) years, and not a party to the within action.

3. My business address is Pillsbury Winthrop Shaw Pittman LLP, 2600 Capitol Avenue, Suite 300, Sacramento, CA 95816. My electronic address is [deb.cook@pillsburylaw.com](mailto:deb.cook@pillsburylaw.com).

4. On November 1, 2012, I served the document titled ANSWER TO NOTICE OF DISCIPLINARY CHARGES on the parties in this action as follows:

Christine Souhrada Deputy Trial Counsel 180 Howard Street, 6 <sup>th</sup> Floor San Francisco, CA 94105 Telephone: 415-538-2183	
	(BY MAIL) I am readily familiar with Pillsbury Winthrop Shaw Pittman LLP's practice for the collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection. The above-referenced document was served on the person(s) at the address(es) indicated above, with postage thereon fully prepaid, by placing it in the United States mail at Sacramento, California.
	(BY FACSIMILE) I caused the above-referenced document to be transmitted by facsimile and the transmission was reported as complete and without error to the person(s) at the facsimile number(s) listed above.
	(BY EMAIL TRANSMISSION) I electronically transmitted the above-referenced document to the person(s) at the electronic mail address(es) indicated above.
	(BY HAND-DELIVERY) I caused the above-referenced document to be delivered to a courier or driver authorized to receive documents to be hand-delivered to the person(s) at the address(es) indicated above on the same date. A proof of service signed by the authorized courier will be forthcoming and filed with the court, if necessary.
	(BY PERSONAL SERVICE) I caused the above-referenced document to be delivered to a licensed process server authorized to receive and serve legal documents. A proof of service signed by the process server will be forthcoming and filed with the court, if necessary.
X	(BY OVERNIGHT DELIVERY) I am readily familiar with Pillsbury Winthrop Shaw Pittman LLP's practice for the collection and processing of correspondence for overnight delivery, said practice being that in the ordinary course of business, correspondence will be deposited in a box or other facility regularly maintained by <u>Federal Express</u> on the same day it is placed for collection.

1 I declare under penalty of perjury that the foregoing is true and correct. Executed this 1<sup>st</sup>  
2 day of November, 2012, at Sacramento, California.

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5 Deb Johansen-Cook  
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